

**HellerEhrman**<sub>LLP</sub>

1717 Rhode Island Avenue, NW  
Washington, D.C. 20036-3001  
Main +1.202.912.2000  
Fax +1.202.912.2020

RECEIVED  
CENTRAL FAX CENTER Facsimile Transmittal  
OCT 04 2005  
Attorney Work Product

**To:** Examiner Alana Harris, GAU 1642, USPTO

**Telephone:** **Fax:** 571-273-8300

**From:** Paul M. Booth

**Telephone:** +1.202.912.2197

**Direct Fax:**

**No. of Pages:** 48 Pages (including cover)

**Date:** October 4, 2005

40923.0079 US3 (4868)

**Message:** RE: Response to April 4, 2005, Office Action

**GOLDENBERG** 09/965,796 filed October 1, 2001

Document5  
10/4/05 4:16 PM ()

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error or you have not received all pages, please call the sender immediately at +1.202.912.2000.

Heller Ehrman LLP [www.hellerhrman.com](http://www.hellerhrman.com)

Anchorage Silicon Valley Beijing Singapore Hong Kong Los Angeles Washington, D.C. Madison, WI New York San Diego San Francisco Seattle

PTO/SB/97 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

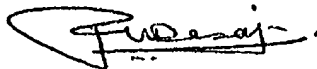
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile  
transmitted to the Patent and Trademark Office

on October 4, 2005.

Date



Signature

PANKAJ DESAI

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this  
certificate must identify each submitted paper.

Facsimile Cover Sheet (1 page)

Certificate of Transmission under 37 CFR 1.8 for 09/965,796 (1 page)

Transmittal Form PTO/SB/21 for 09/965,796 (1 page)

Combined Fee Transmittal for FY 2005 for 09/965,796 (1 page)

Petition for Extension of Time for three months for 09/965,796 (1 page)

Amendment and Request for Reconsideration under 37 CFR 1.116 for  
09/965,796 (17 pages)

PTO/SB/08A with 4 references (26 pages)

OCT 04 2005

PTO/SB/21 (08/03)

Approved for use through 07/31/2006. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/965,796	
	Filing Date	October 1, 2001	
	First Named Inventor	David M. Goldenberg	
	Art Unit	1642	
	Examiner Name	HARRIS, Alana M.	
Total Number of Pages in This Submission	48	Attorney Docket No.	40923-0079 US3

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 (CFR) 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s), please identify below: PTO/SB/08A with 4 references
Remarks <b>CUSTOMER NO. 26633</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	Paul M. Booth, Reg. No. 40,244, HELLER EHRMAN LLP
Signature	<i>Paul M. Booth</i> (Reg. 48,986)
Date	10/4/05

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name			
Signature		Date	

This collection of information is required by 37 C.F.R. 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.R. 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions by reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# COMBINED FEE TRANSMITTAL for FY 2005

Effective 12/08/2004. Patent fees are subject to annual revision.

PTO/SB/17 (12-04) (Revised) (For payment of 37 CFR 1.17 fees including (f), (g), (h), &amp; (i))

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$510)

Complete if Known

RECEIVED

Application Number	09/965,796	CENTRAL FAX CENTER
Filing Date	October 1, 2001	
First Named Inventor	David M. Goldenberg	OCT 04 2005
Examiner Name	HARRIS, Alana M.	
Art Unit	1642	
Attorney Docket No.	40923-0079 US3	

## METHOD OF PAYMENT (check one)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account

Deposit Account Number: 08-1641

Deposit Account Name: Heller Ehrman LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below☒ Credit any overpayments and charge any deficiencies☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the deposit account

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Applicati on Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

SUBTOTAL (1)

\$

## 2. EXTRA CLAIM FEES

Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
50	25	Each claim in excess of 20 or, for Reissues, each claim in excess of 20 and more than in the original patent
200	100	Each independent claim in excess of 3 or, for Reissues, each independent claim more than in the original patent
360	180	Multiple dependent claim, if not already paid

Extra Claims		Fee from above	Fee Paid
Total Claims	-20** =	x	=
Independent Claims	-3** =	x	=

\*\*or number previously paid, if greater; For Reissues see below

Multiple Dependent

SUBTOTAL (2)

\$

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof (round up to the whole number). See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s)

Total Sheets	Extra Sheets	Number of each additional 50	Fee (\$)	Small Entity Fee (\$)
-100 =	/50 =	x 250	OR	x 125

SUBTOTAL (3)

\$

## FEE CALCULATION (continued)

4. PETITION FEES UNDER 37 CFR 1.17 (f)  
 Fee Code: 1462 Fee \$ 400 For petitions filed under:  
 § 1.53(e); § 1.57(a); § 1.182; § 1.183; § 1.378(e); § 1.741(b)

Fee Paid

5. PETITION FEES UNDER 37 CFR 1.17 (g)  
 Fee Code: 1463 Fee \$ 200 For petitions filed under:  
 § 1.12; § 1.14; § 1.47; § 1.59; § 1.103(a); § 1.136(b); § 1.295; § 1.296; § 1.377; § 1.550(c); § 1.956; § 5.12; § 5.15; § 5.25

Fee Paid

6. PETITION FEES UNDER 37 CFR 1.17 (h)  
 Fee Code: 1464 Fee \$ 130 For petitions filed under:  
 § 1.19(g); § 1.84; § 1.91; § 1.102(d); § 1.138(c); § 1.313; § 1.314

Fee Paid

7. PROCESSING FEES UNDER 37 CFR 1.17 (i)  
 Fee Code: 1808 (1803 for § 1.221) Fee \$ 130 For petitions filed under:  
 § 1.28(c)(3); § 1.41; § 1.48; § 1.52(d); § 1.53(b)(3); § 1.55; § 1.99(e); § 1.103(b); § 1.103(c); § 1.103(d); § 1.217; § 1.221; § 1.291(c)(5); § 1.497(d); § 3.81

Fee Paid

## 8. OTHER FEES

Entity Fee (\$)	Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	510
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
500	250	Filing a brief in support of an appeal	
790	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1,510	1,510	Petition to institute a public use proceeding	
500	250	Petition to revive - unavoidably abandoned application	
1,500	750	Petition to revive - unintentionally abandoned application	
50	50	Processing fee for provisional apps (37 CFR 1.17(q))	
180	180	Submission of Information Disclosure Statement	
1,000	500	Request for oral hearing	
790	395	For each additional invention to be examined (37 CFR 1.129(b))	
790	395	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	

Other fee (specify)

SUBTOTAL (4+5+6+7+8)

\$ 510

\* Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Name (Print/Type) Paul M. Booth

Signature

Registration No. 40,244

Date

10/4/05

Complete (if applicable)

Telephone (202) 912-2000

Customer No. 26633